

EXHIBIT 13

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND**

MARYLAND SHALL ISSUE, INC., *et al.*, *

Plaintiffs, *

v. * Civil Case No. 16-cv-3311-ELH

LAWRENCE HOGAN *

Defendant. *

* * * * *

DECLARATION OF JAMES P. RUSSELL, JR.

I, Capt. James P. Russell, Jr., under penalty of perjury, declare and state:

1. I am a captain in the Maryland State Police. I am more than 18 years of age and am competent to testify, upon personal knowledge, to the matters stated below.

2. I have been employed as a sworn officer by the Maryland State Police since 1997. During those 21 years, I served in a variety of state police units, including routine patrol, criminal investigations, domestic violence, firearms training, recruiting and field operations.

3. In 2006, I successfully completed a two-week, 80-hour firearms instructor course and obtained my certification as a firearms instructor from the Maryland Police Training Commission.

4. In 2006, I was assigned to the Maryland State Police Academy, where I was responsible for teaching criminal law and providing firearms training to incoming

trooper candidates. While at the academy, I provided firearms training to more than 300 trooper candidates.

5. In 2009, I was transferred to the licensing division of the Maryland State Police, where I assumed duties associated with licenses issued to private detectives, security guards and other special police. After that, I received further promotions and served in several other roles with the Maryland State Police until 2016, when I was appointed to my current position of commander of the Automotive Safety Enforcement Division.

6. Since I left the academy in 2009, I have continued to perform firearms training for hundreds of Maryland State Police sworn officers. These semi-annual, eight-hour training sessions are designed to ensure that the officers meet Maryland Police Training Commission standards for firearm safety.

7. During this training, officers fire at least 50 rounds of ammunition at various distances under my supervision. I conduct approximately 50 of these training sessions each year, qualifying approximately 150 officers per year.

8. In addition to my firearms training with sworn officers, I also provide firearms training to approximately 100 to 125 retired officers each year.

9. I also provide firearms training to citizens who are seeking a Maryland permit to wear and carry a handgun.

10. I have spent thousands of hours over the last 13 years teaching firearms safety training to hundreds of police candidates, sworn officers, retired officers and others.

11. As part of this training, I have personally supervised these students fire thousands of live rounds of ammunition, and have explained and demonstrated to the students the safe way to load, unload, assemble, disassemble, clean, fire, transport and store handguns.

12. In 2013, I became certified to teach the four-hour firearms safety training required under Maryland law to obtain a Handgun Qualification License (“HQL”). Since that time, I have provided the HQL training to Maryland citizens seeking to obtain an HQL and am familiar with the subject areas and topics covered by the HQL training.

13. Based on my 21 years of law enforcement experience, and over 13 years of experience as a Maryland certified firearms instructor, it is my opinion that requiring HQL applicants to take the firearms safety training contemplated by § 5-117.1 of the Public Safety Article of the Maryland Code encourages responsible gun ownership and has numerous public benefits, including the prevention of accidental discharges of handguns.

14. In my experience, prior to taking a training course, the vast majority of firearms safety students lack a sufficient working knowledge of a handgun to handle and operate it safely.

15. I have personally witnessed firearms safety students engage in dangerous conduct on the firing range, including pointing loaded handguns in the direction of others, placing their fingers on the trigger of a loaded handgun at inappropriate times and failing to recognize that a round of ammunition can remain in the gun’s firing chamber even after the magazine is removed.

16. The four-hour firearm safety training that is required to obtain an HQL covers critical components of firearm safety, including State firearm law, home firearm safety, proper storage of handguns, and handgun mechanisms and operation. It also requires that trainees demonstrate the safe operation and handling of a handgun.

17. I believe that the HQL training's overview of State firearms law – including how to properly purchase or transfer a handgun, where a person is allowed to carry or transport a handgun, that a person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm, and that a person may not engage in a straw purchase of a regulated firearm – enhances knowledge of and compliance with State laws designed to promote public safety and reduce access of firearms to children and persons who are prohibited by law from possessing firearms.

18. In addition, it is my opinion that the HQL training's instruction on handgun and firearm safety in the home – including discussion of access to minors, locking and storing of firearms, and use of safety devices such as secure lock boxes – reduces the risk that a minor or prohibited adult will gain access to firearms. I believe that the risk of injury or death by gunshot is mitigated if gun owners are trained on the proper use and storage of firearms.

19. It is also my opinion that the HQL training's required instruction on handgun mechanisms and operation – including cleaning and maintenance, proper loading and unloading of ammunition, and the differences between revolvers and semi-

automatic handguns – promotes safe handling and operation of firearms, which reduces the risk of accidental discharges and, thus, the risk of potentially fatal accidents.

20. I also believe that the HQL training's requirement that the applicant demonstrate the safe operation and handling of a firearm, including a practice component in which the applicant safely fires at least one round of ammunition, promotes public safety. In my experience, the proper use of a handgun is an acquired skill, and requiring that applicants demonstrate the hands-on safe operation and handling of a firearm helps reduce accidental discharges.

21. Based on my training and experience, it is my opinion that the HQL training's instruction on the proper handling and storage of firearms teaches responsible gun ownership, which reduces access of firearms to children in the home, and also reduces the likelihood of theft, thus, reducing access of firearms to criminals. Many children who have brought firearms to school and other public spaces gained access to those firearms in the home. It is my opinion that effective law enforcement is enhanced by reducing access of firearms to prohibited persons.

22. The firearm safety training that previously was required under § 5-118 of the Public Safety Article of the Maryland Code, prior to the implementation of the Firearm Safety Act in October 2013, was completed by viewing a 45-minute video. I have personally seen that video, and I am familiar with its contents. The video training did not require applicants to demonstrate the safe operation and handling of a handgun.

23. In contrast, the four-hour HQL training now mandated by Maryland law provides more thorough instruction on State firearms law, handgun and firearm safety in the home, and handgun mechanisms and operation, and has a verification component such that an instructor verifies that an applicant participated in the training.


24. It is my opinion that the addition of the requirement that the applicant demonstrate the safe operation and handling of a firearm, including a practice component in which the applicant safely fires at least one round of ammunition, improves the effectiveness of the training by ensuring that applicants have handled a handgun and have demonstrated an ability to safely fire and clear the weapon.

25. I believe that this is a significant step toward ensuring responsible and safe gun ownership. In my opinion, merely watching a video describing how to fire a handgun is not sufficient training on the safe handling and operation of a handgun.

26. I believe that the HQL's live, in-person classroom training is more effective than the former training given by video because it provides the students an opportunity to ask questions and receive feedback from the instructor. In my experience, students tend to be more attentive in a classroom setting than they are watching a video. A further benefit of the in-person training is that the instructor must verify that the student was present for and completed the course, whereas students watching a video may leave the room while the video is playing.

I declare and affirm under penalty of perjury that the foregoing is true and correct.

Date: Aug 8, 2018



Capt. James P. Russell, Jr.,
Maryland State Police